

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000 14<sup>th</sup> STREET, N.W., SUITE 433  
WASHINGTON, D.C. 20009  
Telephone: (202) 671-0547  
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**IN THE MATTER OF**

Frank Sewell for Mayor 2014  
1618 T Street, N.W. Apt. #6  
Washington, DC 20009

) Date: December 5, 2013  
)  
) Docket No: PI-2013-019  
) & 13C-027  
)

**ORDER**

**Statement of Case**

These matters came before the Office of Campaign Finance (“OCF”) pursuant to referrals from the Office of the General Counsel and the Public Information and Records Management Division, which alleged that Mayoral Candidate, **Frank Sewell**, failed to file with OCF a Statement of Organization; failed to designate a principal campaign committee; failed to file a Statement of Candidacy; and failed to properly identify campaign materials in violation of the District of Columbia Official Code sections, 1-1163.07(1); §1-1163.10(a); §1-1163.12(a); and §1-1163.15(a).

By Notices of Hearing, Statement of Violations and Order of Appearance dated September 23, 2013, and October 10, 2013, OCF ordered Frank Sewell, (“Respondent”), to appear at scheduled hearings on October 7, 2013, and October 28, 2013 and show cause why he should not be found in violation of D.C. Official Code sections, 1-1163.07(1); §1-1163.10(a); §1-1163.12(a); and §1-1163.15(a) and fined accordingly.

By Notices of Hearing, Statement of Violations and Order of Appearance dated October 18, 2013, and October 30, 2013, OCF ordered Frank Sewell, (“Respondent”), to appear at scheduled hearings on October 28, 2013, and November 13, 2013 and show cause why he should not be found in violation of D.C. Official Code 1-1163.07(1) and fined accordingly.

The cases of Frank Sewell for Mayor 2014, PI-2013-019 and Frank Sewell for Mayor 2014, 13C-027 will be addressed in this order.

**Summary of Evidence**

On or around September 11, 2013, OCF became aware that Respondent had been placing campaign literature throughout the District of Columbia. The language included on Respondent's campaign literature did not comply with the requirements set forth in §1-1163.15(b) of the Code. Respondent's campaign literature also stated in pertinent part "*Paid for by, Sewell for Mayor, Frank Sewell Chairman, Otis Sutton Treasurer.*" Pursuant to 3 DCMR § 3002.1(b), an individual shall be considered a candidate when he or she makes a campaign expenditure. Accordingly, Respondent made campaign expenditures when the *Sewell for Mayor* Committee paid for campaign literature.

Moreover, 3 DCMR § 3002.2 provides that with the exception of candidates for Advisory Neighborhood Commission (ANC) member, each candidate shall, within five (5) days after becoming a candidate under §3002.1, file a Statement of Candidacy form that indicates:

- (a) Whether spending is anticipated at less than five hundred dollars (\$500); and
- (b) Whether a principal campaign committee will be designated.

On September 17, 2013, OCF Investigator, Payam Zeraat, met with Respondent and informed him that his campaign literature was not in accordance with the D.C. Code. Furthermore, the investigator advised Respondent that he needed to file several documents with OCF, one being a Statement of Candidacy for the 2014 Mayoral election. Respondent agreed to file the requisite forms with OCF by September 20, 2013. However, Respondent failed to appear at OCF on September 20<sup>th</sup>, and failed to file the requisite forms for his Mayoral campaign. Subsequently, on September 23, 2013, Respondent met with staff from OCF and attempted to complete the requisite forms. OCF staff advised Respondent that pursuant to 3 DCMR § 3003.2, Respondent would be exempt from filing and reporting requirements if he planned on spending less than \$500 on his campaign. Respondent replied that he would be designating a principal campaign committee for his campaign and did not want to invoke the exemption found under 3 DCMR § 3003.2.

Additionally, Respondent advised OCF staff that he did not have a bank account designated for his campaign and that he could not open a bank account for his campaign because he did not have any funds to do so. OCF Staff advised Respondent that he needed to provide this information in order to come into compliance with the D.C. Code. In addition, Respondent was advised that his Treasurer needed to file an *Acceptance of Position of Treasurer* form with OCF.

Further, on September 23, 2013, Respondent was advised that on October 7, 2013, an informal hearing would be held in order to address the deficiencies in both his campaign materials and his records with OCF. Respondent informed OCF staff that he would appear at the October 7, 2013 informal hearing. However, Respondent did not appear at the October 7, 2013 informal hearing. On October 10, 2013, a second Notice of Hearing, Statement of Violations and Order of Appearance was sent to Respondent. The second informal hearing was scheduled for October 28, 2013. On October 17, 2013, Respondent submitted a completed *Statement of Acceptance of Position of Treasurer* form with OCF. However, Respondent once again failed to appear at the scheduled hearing.

As of the date of this Order, Respondent has failed to appear at any of the scheduled informal hearings. Moreover, Respondent has failed to provide OCF with any information regarding his Committee's bank account information.

**Findings of Fact**

**Having reviewed the allegations and the record herein, I find:**

1. Respondent is a candidate for the 2014 Mayoral Election.
2. Respondent failed to timely file a *Statement of Candidacy* form in violation of the District of Columbia Official Code section 1-1163.12(a).
3. Respondent has failed to file a complete *Statement of Organization* form in violation of the District of Columbia Official Code section 1-1163.07(1).
4. Respondent continues to display improper campaign materials in violation of the District of Columbia Official Code section 1-1163.15(a).
5. By Notice of Hearing, Statement of Violations and Order of Appearance dated September 23, 2013, OCF ordered Respondent to appear for a scheduled hearing on October 7, 2013, regarding case PI-2013-019.
6. Respondent failed to appear at the October 7, 2013 informal hearing regarding case PI-2013-019.
7. On October 17, 2013, Respondent submitted a completed *Statement of Acceptance of Position of Treasurer* form with OCF.
8. By Notice of Hearing, Statement of Violations and Order of Appearance dated October 10, 2013, OCF ordered Respondent to appear for a scheduled hearing on October 28, 2013, regarding case PI-2013-019.

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9. Respondent failed to appear at the October 28, 2013 informal hearing regarding case PI-2013-019.
10. By Notice of Hearing, Statement of Violations and Order of Appearance dated October 18, 2013, OCF ordered Respondent to appear for a scheduled hearing on October 28, 2013, regarding case 13C-027.
11. Respondent failed to appear at the October 28, 2013 informal hearing regarding case 13C-027.
12. By Notice of Hearing, Statement of Violations and Order of Appearance dated October 30, 2013, OCF ordered Respondent to appear for a scheduled hearing on November 13, 2013, regarding case 13C-027.
13. Respondent failed to appear at the November 13, 2013 informal hearing regarding case 13C-027.
14. As of the date of this Order, Respondent has failed to provide OCF with any information regarding his Committee's bank account information.

**Conclusion of Law**

**Based upon the record provided by OCF, I therefore conclude:**

1. On or before, September 11, 2013, Respondent made campaign expenditures.
2. Pursuant to 3 DCMR § 3002.1(b) Respondent became a candidate once he made campaign expenditures.
3. Pursuant to 3 DCMR § 3002.2 Respondent was required to file a Statement of Candidacy form with OCF within five (5) days of becoming a candidate.
4. Respondent became a candidate on or around September 11, 2013.
5. Respondent was required to file a Statement of Candidacy form by September 18, 2013.
6. Respondent failed to timely file a Statement of Candidacy with OCF.
7. Respondent failed to appear at the scheduled informal hearings.
8. Respondent violated D.C. Official Code § 1-1163.12(a); § 1-1163.07(1); and § 1-1163.15(a).
9. Pursuant to 3 DCMR § 3711.5, in calculating the time period for delinquencies, weekends and holidays shall not be included.

10. The penalty established at 3 DCMR § 3711.2(d) for failure to file a Statement of Organization for a political, exploratory, inaugural, or transition committee is thirty dollars (\$30) per day, amounting to a \$1,140.00 fine.
11. The penalty established at 3 DCMR § 3711.2(e) for failure to file a Registration Statement of Candidacy is thirty dollars (\$30) per day, amounting to a \$60.00 fine.
12. The penalty established at 3 DCMR § 3711.2(k) for failure to place a proper Identification Notice on campaign literature is five hundred dollars (\$500).
13. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
14. Respondent has failed to provide an explanation constituting good cause for suspension of a fine.
15. Under the given facts, Respondent may be fined a total of \$1,700.00.

**Recommendation**

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director impose a fine in the amount of \$1,700.00.

December 5, 2013

**Date**

/s

**Austin Franklin**  
**Hearing Examiner**

**Concurrence**

In view of the foregoing, **I HEREBY CONCUR** with the Recommendation.

December 5, 2013

**Date**

/s

**William O. Sanford**  
**General Counsel**

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**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that a fine in the amount of \$1,700.00 is hereby imposed in these matters.

December 5, 2013  
\_\_\_\_\_  
**Date**

/s  
\_\_\_\_\_  
**Cecily E. Collier-Montgomery**  
**Director**

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that a true copy of the **ORDER** was served on Frank Sewell via certified and regular mail at 1618 T Street N.W., Apt. #6 Washington, D.C. 20009, on this 5<sup>th</sup> day of December 2013.

/s \_\_\_\_\_

**Notice**

Any party adversely affected by an Order of the Director may: (1) file a Motion for Reconsideration (Motion) with the OCF within five (5) days after receipt of an Order, provided that, relevant evidence was omitted from consideration at the hearing (3 DCMR § 3709.13); or (2) obtain review of the Order by filing a request for a **hearing *de novo*** with the Board of Elections within fifteen (15) days from the date of issuance of an Order. Any fine imposed by the Director, pursuant to § 3711.2 shall become effective on the sixteenth (16<sup>th</sup>) day following the issuance of a decision or Order; provided that, the Respondent does not request a **hearing *de novo*** from the Board of Elections. Fines imposed shall be paid within ten (10) days of the effective date of the issued Order of the Director. Make payment by check or money order, payable to: District of Columbia Treasurer. Send payment to the *Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 14<sup>th</sup> Street NW, Suite 433, Washington, DC 20009.*